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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 05-00395 CRB  
15 Plaintiff, ) REQUEST, STIPULATION AND ORDER  
16 v. )  
17 JIMMY GONG YAN LEE, )  
18 Defendant. )

19 This matter is currently on the Court's calendar for July 12, 2006. Through counsel,  
20 defendant Jimmy Gong Yan Lee and the United States ask the Court to (a) vacate the July 12,  
21 2006 date based on the defendant's anticipated plea agreement, (b) set a date of July 26, 2006 for  
22 change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from July 12,  
23 2006, to July 26, 2006.

24 1. The parties are currently working out the language of a plea agreement and request that the  
25 Court set the matter for July 26, 2006, for change-of-plea.

26 2. The parties agree that the time between July 12, 2006 and July 26, 2006 should be  
27 excluded from the Speedy Trial clock. Previously, the Court has declared this case complex.  
28

ORDER  
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1       See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel is investigating the immigration  
2 consequences of a plea. That matter needs a short amount of time to be resolved, and thus the  
3 parties agree that a continuance is necessary for the effective preparation of defense counsel,  
4 taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties  
5 also agree that the ends of justice served by excluding the period from July 12, 2006 to July 26,  
6 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. §  
7 3161(h)(8)(A).

**STIPULATED:**

July 6, 2006 /S/ PETER B. AXELROD  
DATE PETER B. AXELROD  
LAUREL BEELER  
Assistant United States Attorneys

July 6, 2006 /S/ ALAN DRESSLER  
DATE ALAN DRESSLER  
Attorney for Jimmy Gong Yan Lee

ORDER

18 For good cause shown, and for the reasons stated above, the Court (a) vacates the July 12,  
19 2006, hearing date for defendant Jimmy Gong Yan Lee based on the anticipated plea agreement,  
20 (b) sets the matter for change-of-plea on July 26, 2006, at 2:15 p.m., and (c) excludes times under  
21 the Speedy Trial Act, 18 U.S.C. § 3161, from July 12, 2006, to July 26, 2006. The Court finds  
22 that the failure to grant the requested exclusion would deny defense counsel reasonable time  
23 necessary for effective preparation taking into account the exercise of due diligence. Further, the  
24 Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii).  
25 Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh  
26 the best interest of the public and the defendant in a speedy trial and in the prompt disposition of  
27 criminal cases. The Court therefore concludes that this exclusion of time should be made under

ORDER  
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1 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

2 IT IS SO ORDERED.

3  
4 DATED: July 7, 2006

